

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GUILLERMO REVELES,)	No.: 1:20-cv-01345-NONE-SAB (PC)
)	
Plaintiff,)	
)	<u>ORDER ADOPTING FINDINGS AND</u>
v.)	<u>RECOMMENDATIONS, AND DISMISSING</u>
)	<u>ACTION</u>
MAGANA, et al.,)	
)	(Doc. No. 11)
Defendants.)	
)	
)	
)	

Plaintiff Guillermo Reveles is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 19, 2020, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed due to plaintiff's failure to state a cognizable claim for relief. (Doc. No. 11.) Plaintiff asserts that his due process rights were violated as a result of the procedure(s) by which he was placed in administrative segregation at his prison of confinement. (Doc. No. 9 at 34.) The magistrate judge reasoned that plaintiff "has not pled sufficient facts demonstrating that his retention in administrative segregation constitutes atypical and significant hardship" and therefore that plaintiff has not sufficiently alleged a protected liberty interest that is a prerequisite to any procedural due process claim based upon placement in administrative segregation. (Doc. No. 11

1 at 5.) Plaintiff also asserts that defendants violated § 3335 of Title 15 of the California Code of
2 Regulations (“Section 3335”), which provides guidelines for placing an inmate in administrative
3 segregation. (Doc. No. 9 at 45.) The pending findings and recommendations concluded that plaintiff
4 cannot maintain a federal cause of action based upon a violation of § 3335, which is a state regulation.
5 (Doc. No. 11 at 6.)

6 The findings and recommendations were served on plaintiff and contained notice that any
7 objections thereto were to be filed within fourteen (14) days from the date of service. (*Id.* at 7.) To
8 date, no objections to the pending findings and recommendations have been filed with the court, and
9 the time for doing so has expired.

10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has conducted
11 a *de novo* review of this case. Having carefully reviewed the entire file, the undersigned concludes
12 that the findings and recommendations are supported by the record and proper analysis.

13 Accordingly,

- 14 1. The findings and recommendations issued on November 19, 2020 (Doc. No. 11) are
15 adopted in full; and
- 16 2. This action is dismissed due to plaintiff’s failure to state a cognizable claim for relief.

17 IT IS SO ORDERED.

18 Dated: January 25, 2021

19 
20 UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26
27
28